

REMARKS

Claims 39-55 were rejected and remain pending. Claims 39 and 53-55 have been amended herein to recite that the number of nucleotides in one of the arms is about 20 nucleotides. The specification fully supports these amendments. For example, Figures 3 and 5 each disclose a nucleic acid comprising a nucleotide sequence encoding an autocatalytically cleaving ribozyme with an arm that is about 20 nucleotides. See, also, page 43, lines 1-16, page 43, line 24 to page 44, line 3, and SEQ ID NOs:4 and 5. Claim 40 has been amended herein to recite that the nucleotide sequence encodes an RNA molecule having the structure of a pChop cassette as set forth in Figure 3 or Figure 4. Claim 41 has been amended herein to recite that the nucleotide sequence encodes an RNA molecule having the structure of a pSnip cassette as set forth in Figure 4. The specification fully supports these amendments. See, for example, page 9, lines 4-8, and Figures 3 and 4. Thus, no new matter has been added.

In light of the above amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 39-55.

Rejections under 35 U.S.C. § 112

The Examiner rejected claims 39-55 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Applicants respectfully disagree. As presently amended, claims 39 and 53-55 recite that the number of nucleotides in one of the arms is about 20 nucleotides. Applicants' specification provides adequate written description for the presently claimed invention. For example, Figures 3 and 5 of Applicants' specification each disclose a nucleic acid comprising a nucleotide sequence encoding an autocatalytically cleaving ribozyme with an arm that is 20 nucleotides. Figures 3 and 5 each also disclose a nucleic acid comprising a nucleotide sequence encoding an autocatalytically cleaving ribozyme with an arm that is 18 nucleotides. Thus, Applicants' specification provides adequate written description for the presently claimed invention.

The Examiner also rejected claims 40-41 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Applicants respectfully disagree. To further prosecution, however, claims 40 and 41 have been amended herein to recite that the nucleotide sequence encodes an RNA molecule having the structure of a pChop cassette as set forth in Figure 3 or Figure 4, or an RNA molecule having the structure of a pSnip cassette as set forth in Figure 4, respectively. Thus, Applicants' specification adequately describes claims 40 and 41.

In light of the above, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. 112, first paragraph.

Rejections under 35 U.S.C. § 102

The Examiner rejected claims 39-40 and 42-55 under 35 U.S.C. § 102(a) as being anticipated by Norris *et al.* (WO98/24,925). Specifically, the Examiner stated that the declarations filed under 37 C.F.R. § 1.131 on June 26, 2007, are ineffective for overcoming the Norris *et al.* reference because not all inventors signed a declaration.

Applicants respectfully submit that all inventors of the presently claimed invention signed the previously submitted declaration. Applicants direct the Examiner to a change of inventorship filed under 37 C.F.R. § 1.48(b) on March 17, 2004, removing David A. Schofield, Caroline Westwater, and Cancan Huang as inventors. A copy of the change of inventorship is attached hereto for the Examiner's convenience.

In light of the above, Applicants respectfully request withdrawal of the rejections of claims 39-40 and 42-55 under 35 U.S.C. § 102(a).

Applicant : James S. Norris et al.
Serial No. : 10/082,973
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Page : 8 of 8


Attorney's Docket No.: 14017-004002 / PSU 96-1566

CONCLUSION

Applicants submit that claims 39-55 are in condition for allowance, which action is respectfully requested. The Examiner is invited to call the undersigned attorney at the provided telephone number if such would further prosecution. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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